

**ENTERED**

August 04, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

JAMES THATCHER,

Plaintiff,

VS.

DARGEL BOATS, INC., *et al*,

Defendants.

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CIVIL ACTION NO. 1:19-CV-10

**ORDER**

In November 2018, Plaintiff James Thatcher filed his Original Petition (Doc. 1-4), alleging a products liability claim stemming from a boating accident. Defendant Yamaha Motor Corporation, U.S.A. (Yamaha) removed the case and then, after ample time for discovery had elapsed, moved for summary judgment. (Notice of Removal, Doc. 1; Motion, Doc. 36)

Thatcher filed no response to the Motion.

In June 2020, the Magistrate Judge issued his Report and Recommendation recommending that the Court grant Yamaha's Motion and enter summary judgment against Thatcher as to all his claims. (Doc. 37)

Thatcher timely filed objections to the Report and Recommendation, arguing only that his failure to file a response to the Motion stemmed from a "calendaring mistake" and that the Magistrate Judge applied the incorrect evidentiary standard. (Doc. 38, 2)

The Court has conducted a *de novo* review of the Motion, the briefing of the parties, the record in this case, and the applicable law. The Court concludes that the Magistrate Judge applied the correct evidentiary standard and that Thatcher did not present good cause for his failure to file a response.

Accordingly, the Court **OVERRULES** Thatcher's objections and **ADOPTS** the Report and Recommendation.

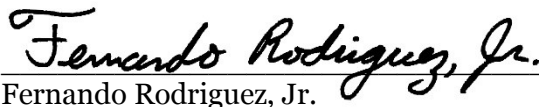
As a result, it is:

**ORDERED** that Yamaha Motor Corporation, U.S.A.'s Motion for Summary Judgment (Doc. 36) is **GRANTED**; and

**ORDERED** that all of Plaintiff James Thatcher's causes of action are **DISMISSED WITH PREJUDICE**.

The Clerk of Court is directed to close this matter.

SIGNED this 4th day of August, 2020.

  
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Fernando Rodriguez, Jr.  
United States District Judge